

FINDINGS OF FACT and STATEMENT of OVERRIDING CONSIDERATIONS
Regarding THE SHORES APARTMENT COMMUNITY PROJECT

PROJECT NUMBER: R2005-00234-(4)

COASTAL DEVELOPMENT PERMIT: RCPD 200500002

PARKING PERMIT: RPKP 200500004

VARIANCE NO.: RVAR 200500004

STATE CLEARINGHOUSE NUMBER: 2005071080

COUNTY OF LOS ANGELES

DEPARTMENT OF REGIONAL PLANNING

320 WEST TEMPLE STREET

LOS ANGELES, CALIFORNIA 90012

December, 2006

**FINDINGS OF FACT AND STATEMENT OF OVERRIDING
CONSIDERATIONS REGARDING THE FINAL
ENVIRONMENTAL IMPACT REPORT
(STATE CLEARINGHOUSE NUMBER 2005071080)
FOR "THE SHORES" APARTMENT COMMUNITY PROJECT
(COUNTY PROJECT NUMBER R2005-00234-(4))**

The Regional Planning Commission ("Commission") of the County of Los Angeles ("County") hereby certifies "The Shores" Apartment Community Project Final Environmental Impact Report, State Clearinghouse Number 2005071080, which consists of the Draft Environmental Impact Report ("DEIR") dated November 2005, Technical Appendices to the DEIR dated November 2005, and the Final Environmental Impact Report, including Responses to Comments dated December 2006, collectively referred to as the "FEIR," and finds that the FEIR has been completed in compliance with the California Environmental Quality Act (Public Resources Code §§ 21000, et seq.) ("CEQA"). The Commission further hereby certifies that it has received, reviewed and considered the information contained in the FEIR, the applications for Coastal Development Permit No. RCPD 200500002, Parking Permit No. RPKP 200500004 and Variance No. RVAR 200500004 (collectively, the "Project"), to permit the single-phased redevelopment of uses on Parcels 100 and 101 of the Marina del Rey Local Coastal Program (the "LCP"), consisting of 544 rental apartment units (17 of which will be designated for very low-income households for a term of no less than 30 years and 37 of which will be designated for moderate-income households for a term of no less than 30 years) and 1,088 garage parking spaces and other appurtenances, all hearings, and submissions of testimony from officials and departments of the County, the Applicant (as defined below), the public and other municipalities and agencies, and all other

pertinent information in the record of proceedings. Concurrently with the adoption of these findings, the Commission adopts the Mitigation Monitoring Plan attached as Exhibit A to these findings.

Having received, reviewed and considered the foregoing information, as well as any and all other information in the record, the Commission hereby makes findings pursuant to and in accordance with Section 21081 of the Public Resources Code as follows:

- (a) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
- (b) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency,
- (c) Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the environmental impact report.

BACKGROUND

Project Description; Minor Changes

Del Rey Shores Joint Venture and Del Rey Shores Joint Venture North (collectively the "Applicant") propose redevelopment of existing uses located on two contiguous parcels, which the Applicant leases from the County within Marina del Rey. The 8.32-acre Project site is identified as Parcels 100 (3.18 acres) and Parcel 101 (5.14 acres) in the Marina del Rey Specific Plan and is located at the northwest corner of the intersection of Via Marina and Marquesas Way in the unincorporated community of Marina del Rey. Regional access to the site is provided by Lincoln Boulevard, the Marina Freeway/Expressway and the San Diego Freeway.

The Applicant's initial development proposal, reflected in its initial development application to the County of Los Angeles Department of Regional Planning ("DRP"), was to demolish the existing 202-unit apartment complex and all appurtenant improvements located on Parcels 100 and 101 (the existing "Del Rey Shores Apartments"), including all existing structures, parking, landscaping and hardscape located on the subject property, and to subsequently construct a 544-unit, all-market-rate (i.e., no affordable housing units provided therein) apartment complex consisting of twelve (12) connected and/or adjacent apartment buildings (maximum 75-feet in height, exclusive of appurtenant screened rooftop mechanical equipment and selected architectural features) with five stories of units over two stories of structured parking. The original development proposal contemplated development of 1,114 parking spaces and appurtenant landscaping and resident recreational amenities on-site. At the time of its initial Project application filing with DRP, the Applicant proposed payment of an affordable housing in-lieu fee in accordance with the Marina del Rey Affordable Housing Policy, which Policy was adopted by the County Board of Supervisors on August 6, 2002. The amount of the in-lieu affordable housing fee proposed for payment by the Applicant in its initial Project Application was approximately \$3.8 million. This represented the proposed Project evaluated in the Draft EIR.

During the public hearing for the proposed Project before the Commission, the Commissioners expressed a desire to see the Project modified to address issues raised during the public hearing. Specifically, the Commission expressed a desire for the Applicant to incorporate surface parking spaces into the Project that would be designated for public use. In response to this request, the Applicant modified the Project design to provide nine (9) surface parking spaces on the Project's Admiralty Loop frontage, which will be signed for public use (whereas the initial Project proposed no public surface parking spaces). The change is beneficial and does not have the potential to have adverse environmental impacts.

In addition, the Commission and members of the public expressed the desire to see the Project construct affordable units on-site instead of paying an affordable housing in-lieu fee. The Applicant withdrew its original proposal regarding the in-lieu fee and instead offered to dedicate thirty-seven of the Project's 544 total dwelling units to moderate-income households and an additional seventeen to very low-income households. This change involves social and economic factors which do not have the potential to have adverse environmental impacts

Several other minor changes were made to the Project during the public hearing process, including:

- A reduction in the number of garaged parking spaces, from 1,114 garage parking spaces proposed for residents and their guests in the DEIR project design to 1,088 garage parking spaces in the FEIR project design. Because parking spaces proposed as part of the modified project remain in excess of defined County standards (County Code requires 1,087 parking spaces for Project residents and their guests), this change in the Project Description is not considered significant;
- A reduction in the number of standard-sized parking spaces, from 925 proposed in the DEIR to 742 and an increase in the number of compact parking spaces, from 189 proposed in the DEIR to 328 (there will also be 18 handicap accessible parking spaces); and an increase in the number of tandem parking spaces from 378 proposed in the DEIR to 514 and a decrease in the number of single stall parking spaces from 736 proposed in the DEIR to 574. Walker Parking Consultants has determined that: (1) onsite parking meets all County code requirements and is sufficient to meet the needs of on-site residents; (2) the on-site property manager has the ability to monitor and fully control on-site parking and reassign spaces to meet tenant needs and optimize use of the spaces; (3) specific parking spaces would be assigned to residents of the facility; (4) nine above ground public parking spaces are now provided; and (5) tandem spaces are of sufficient size to

accommodate residents of the project. For these reasons, the FEIR concluded that it is not foreseeable that the Project would impact parking on surrounding streets;

- Relocation of a Project driveway from Via Marina onto Admiralty Loop (thereby resulting in three access points, versus a previous two on Admiralty Loop and no access points for the Project on Via Marina). As described in the FEIR, relocating the driveway from Via Marina to Admiralty Loop eliminates the need for U-turns and reduces potential vehicle trips on perimeter roads, thereby providing for a more simplified transportation circulation plan and serving to further reduce trips occurring on Via Dolce. Additionally, the addition of a third driveway on Admiralty Loop will not result in significant new project traffic impact on either Dell Avenue, or on Via Dolce. In fact, this relocated driveway will reduce the number of Project trips originally assumed to occur on those roadways, since the Via Marina driveway would have been right-turn in/right-turn out operations, and force drivers exiting the Via Marina driveway to travel south to either perform a U-turn at Via Marina/Marquesas Way, or to travel on Via Dolce to reach Washington Boulevard. The relocation of this driveway to Admiralty Loop provides resident and visitor access to the signalized intersection of Via Marina/Admiralty Loop/Panay Way, thereby allowing left-turns out of the site to reach Washington Boulevard. The traffic engineer has determined that the “redirected” trips are not of sufficient magnitude to significantly alter the analysis or conclusions of the DEIR. This access change has been reviewed and approved by the County Department of Public Works. Therefore, this change in the Project Description does not significantly alter the content of the DEIR or change its significance conclusions;
- The Project grading plan analyzed in the DEIR contemplated a “balanced” grading scheme whereby all cut materials would be balanced on-site and no graded materials would be exported from the site. During the public hearing process, it

was determined that the depth of grading would need to be incrementally reduced and the footprint incrementally increased due to a Project alteration calling for only one level of the parking garage to occur below grade (versus two levels as defined in the DEIR). Because of this Project modification, the amount of required grading would need to be increased, resulting in export of approximately 25,940 cubic yards of material.

The FEIR concludes that this revision to the proposed grading plan for the Project would not alter the conclusions or engineering recommendations of the Project geotechnical report or the conclusions or recommended mitigation measures in the Geology and Soils section (Section 5.1) of the DEIR. Moreover, the FEIR concludes that this modification to the Project would not alter the conclusions or engineering recommendations of the Project hydrology report or the conclusions or recommendations of the Hydrology and Water Quality section (Section 5.3) of the DEIR.

The export of 25,940 cubic yards of material would result in 1,297 additional truck trips during a 40 working-day construction period. The additional grading and truck trips would incrementally, but not significantly, increase construction emissions. As shown in the FEIR, and consistent with conclusions defined in the Draft EIR, NO_x and VOC emissions would exceed SCAQMD thresholds. The maximum NO_x emissions would increase about 2 percent over the amounts set forth in the Draft EIR. However, the maximum VOC emissions would not change because the peak emissions would occur during project finishing and not during excavation. Consistent with data included in the Draft EIR, CO, SO_x and PM₁₀ emissions would be incrementally increased, but would remain below defined SCAQMD significance thresholds. As such, this incremental increase in emissions will not result in a new significant impact or a substantial increase in the severity of an impact set forth in the Draft EIR.

Section 15088.5(a) of the *State CEQA Guidelines* states that a "lead agency is required to re-circulate an EIR when significant new information is added after public notice is given of the availability of the Draft EIR for public review under Section 15087 but before circulation." Section 15088.5 also states that:

"New information added to an EIR is not "Significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse effect (including a feasible project alternative) that the project's proponents have declined to implement. "Significant information" requiring recirculation includes, for example, a disclosure showing that:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.
- (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

The above Project design revisions were evaluated in the FEIR, where it was determined that the revisions would not increase the severity of any significant impact nor create a new significant impact or otherwise require recirculation of the DEIR.

The revised Project consists of an apartment community of twelve (12) interconnected and/or adjacent apartment buildings. The 12 buildings, each attaining a maximum height of 75 feet exclusive of appurtenant screened rooftop mechanical

equipment and selected architectural features, are arranged around the perimeter of the project site; a large central courtyard is located at the center of the Project site containing a pool and other recreation facilities for Project residents and their guests. The Project features landscaping both in the central courtyard area and frontage of the streets that surround the Project site. The public pedestrian experience will be greatly enhanced (over existing conditions) at the site perimeter through the Applicant's replacement of existing sidewalks with new sidewalks, new landscaping and pedestrian-level lighting facilities. In total, the revised Project will contain 544 rental apartment units, 17 of which will be dedicated (for a period of 30 years) to very low-income households and 37 of which will be dedicated (for the same 30-year term) to moderate-income households. The complex will be developed with a two-level parking garage (one level underground) containing a total of 1,088 garage parking spaces; nine surface parking spaces will be provided for use by the public at the Project's Admiralty Loop frontage. Project construction will commence in a single development phase.

The Environmental Impact Report Process

The County completed an Initial Study of the Project and determined that an Environmental Impact Report was required. A Notice of Preparation (NOP) was issued from July 18, 2005 through August 16, 2005. Potentially significant environmental impacts addressed in the DEIR include geotechnical and soil resources, noise, hydrology and water quality, air quality, visual quality, traffic/access, water service, sewer service and solid waste disposal. The Draft EIR analyzed both project and cumulative effects of the Project on these topics and identified a variety of mitigation measures to minimize, reduce, avoid or compensate for the potential adverse effects of the proposed Project.

The DEIR also discussed a number of potential alternatives to the proposed Project, including (1) No Project, (2) Provision for Affordable Housing, (3)

Rehabilitation of Existing Structures; and (4) Above-Ground Parking. (The FEIR also considered a lower density alternative involving new construction.) Potential environmental impacts of each of these alternatives were discussed at the CEQA-prescribed level of detail and comparisons were made to the proposed Project. This range of reasonable alternatives has permitted as reasoned choice to be made by the Commission in directing specific changes to the Project. The Commission has reviewed each of the alternatives and recommends approval of the Project, as revised during the public hearing process.

After conducting its own internal departmental review and analysis of the proposed Project through the screencheck process, the DRP circulated copies of the preliminary DEIR to all affected County agencies for a 45-day review period. Interested County agencies provided written comments on the document, and those comments were incorporated within, appended to and made a part of the DEIR.

The DEIR was made available for public comment and input for the period set forth by State law. Specifically, the public review period commenced on December 5, 2005, when a notice of completion was sent to the State Clearinghouse. The public review period lasted 45 days. A Notice of Availability for Draft EIR was published in *The Argonaut*, *The Daily Breeze*, and *La Opinion* newspapers and a public hearing notice was sent to property owners within a 500-foot radius of the proposed Project site and to known interested individuals and organizations. Copies of the DEIR were also made available at DRP and in the following local public libraries, Marina del Rey County Library, Culver City Library, Loyola Village Library, and Venice-Abbot Kinney Memorial Library.

The Commission held public hearings on January 25, 2006, March 1, 2006, April 19, and June 7, 2006, when the public hearing before the Commission was closed. The DEIR review and comment period was extended to coincide with these hearings.

Detailed responses to the comments received regarding the Project and the analyses of the DEIR were prepared with assistance by a private consultant, reviewed,

and revised as necessary to reflect the County's independent judgment on issues raised. These Responses to Comments are embodied in the FEIR.

On December 13, 2006, the Commission made the following environmental findings and certified the FEIR and adopted orders approving the Project Parking Permit, the Variance and the Coastal Development Permit.

The FEIR has been prepared by the County in accordance with CEQA, as amended, and State CEQA Guidelines and County Environmental Document Reporting Procedures and Guidelines for the implementation of CEQA. More specifically, the County has relied on Section 15084(d)(3) of the State CEQA Guidelines, which allow acceptance of drafts prepared by the applicant, a consultant retained by the applicant, or any other person. The Department of Regional Planning, acting for the County, has reviewed and edited as necessary the submitted drafts to reflect its own independent judgment, including reliance on County technical personnel from other departments.

Section 1 of these findings discusses the potential environmental effects of the Project which are not significant or which have been mitigated to a less than significant level. Section 2 discusses the significant environmental effects of the Project which cannot be feasibly mitigated to a level of insignificance. Section 3 discusses the growth-inducing impacts of the Project. Section 4 discusses the alternatives to the Project discussed in the FEIR. Section 5 discusses the mitigation-monitoring program for the Project. Section 6 contains the Statement of Overriding Considerations. Section 7 contains the Section 15091 and 15092 findings. Section 8 contains the Section 21082.1(c)(3) findings. Section 9 identifies the custodian of the record upon which these findings are based. Section 10 discusses *de minimis* impacts on fish and wildlife. Section 11 discusses the relationship between these findings and the DEIR and FEIR. The findings set forth in each section are supported by substantial evidence in the administrative record of the Project.

SECTION 1

POTENTIAL ENVIRONMENTAL EFFECTS WHICH ARE NOT SIGNIFICANT OR WHICH HAVE BEEN MITIGATED TO A LESS THAN SIGNIFICANT LEVEL

All FEIR mitigation measures (as set forth in the Mitigation Monitoring Plan attached as Exhibit A to these findings) have been incorporated by reference into the conditions of approval for the Project Coastal Development Permit, Parking Permit and Variance. In addition, the other conditions of approval for the Project Coastal Development Permit, Parking Permit and Variance further mitigate the potential effects of the Project.

The Commission has determined, based on the FEIR, that Project design features, mitigation measures and conditions of approval will reduce Project-specific impacts concerning geotechnical and soil resources, hydrology and water quality, visual quality, traffic/access, solid waste, water service and sewer service to less than significant levels. The Commission has further determined, based on the FEIR, that there are no significant cumulative impacts, or that Project design features, mitigation measures and conditions of approval will reduce the Project's contribution to less than cumulatively considerable levels, concerning geotechnical and soil resources, noise, hydrology and water quality, air quality, visual quality, water service and sewer service.

Project Impacts

(1) Geotechnical and Soil Resources

Potential Effect

The Project site is not traversed by any known active fault; however, the site is in a seismically active area and has a potential ground acceleration of 0.5g that could occur during a seismic event. During a moderate or major earthquake occurring close to the site, proposed Project improvements would be subject to hazards associated with seismically-induced settlement due to seismic shaking, as well as soil liquefaction within the less dense silty sand, sand and silt soils.

The existing fill and upper native soils are not suitable for support of the proposed structures. In addition, due to high groundwater, de-watering may be required within the proposed excavation area during construction. Surficial wind and water erosion would increase during construction. Furthermore, gases in the soil could pose a risk to human health.

Finding

With implementation of the measures identified in this section, conditions of approval and design features incorporated into the Project, potential geotechnical and soil resource impacts from the proposed Project will be reduced to a less than significant level by designing and constructing the structures in conformance with the most stringent safety standards consistent with all applicable local, state and federal regulations, such as the Uniform Building Code and Los Angeles County Building Code for seismic safety. Therefore, the following finding is made:

- (a) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

Facts

Geotechnical and Soils Resource impacts are discussed on pages 5.1-1 to 5.1-13 of the DEIR. Compliance with applicable building codes and seismic safety standards will reduce impacts from ground-shaking to less than significant levels. A soil gas survey of the Project site (Appendix 5.1(B) of the DEIR) concluded that there were no significant concentrations of VOCs or methane in the soils above the water table. Therefore, impacts from soils gases will be less than significant. The above finding is made in that the following mitigation measures will be made conditions of Project approval so as to mitigate the identified impacts:

Fault Rupture, Seismic Ground Shaking, Landslides:

- 5.1-1 Proposed structures shall be designed in conformance with the requirements of the 1997 edition of the UBC and the County of Los Angeles Building Code for Seismic Zone 4.

Liquefaction:

- 5.1-2 Remedial measures shall be taken to limit lateral deformation and subsidence by installation of ground improvements as discussed in the URS geotechnical investigation titled *Second Addendum to the May 8, 2001 Geotechnical Report; Second Update and Response to Preliminary Review Comments Proposed Apartment Complex; The Shores, Marina del Rey, California, dated September 26, 2005*. The structures shall be founded on a pile foundation system, or an equivalent system acceptable to the County, designed for static loads as well as the lateral and vertical drag loadings from earthquake-induced liquefaction and lateral deformation.
- 5.1-3 The proposed structures shall be placed on a pile foundation system, or an equivalent system acceptable to the County, with a minimum tip depth 45 feet below grade, or elevation -30 feet, whichever is deeper. These parameters would result in at least five feet of embedment into the site's underlying sand layer. Such piles may be designed for a dead-plus-live allowable axial compression bearing capacity of 45 ksf (factor of safety of 4) in addition to the friction values

presented in the *Second Addendum to the May 8, 2001 Geotechnical Report; Second Update and Response to Preliminary Review Comments Proposed Apartment Complex; The Shores, Marina del Rey, California, dated September 26, 2005*. Piles embedded between 52 and 60 feet below grade may be designed for the allowable 60 ksf bearing capacity indicated in section 5.5 of the URS report titled *Geotechnical Investigation; Proposed Apartment Complex, The Shores, Marina del Rey, California [May 8, 2001]*. For reference purposes, all geotechnical reports are incorporated in this Draft EIR in **Appendix 5.1**.

Expansive Soils:

- 5.1-4 Any import material shall be tested for expansion potential prior to importing.
- 5.1-5 Expansion index tests shall be performed at the completion of grading if silty subgrade soils are exposed to verify expansion potential.

Soil Erosion:

- 5.1-6 Precautions shall be taken during the performance of site clearing, excavations and grading to protect the project from flooding, ponding or inundation by poor or improper surface drainage.
- 5.1-7 Temporary provisions shall be made during the rainy season to adequately direct surface drainage away from and off the project site. Where low areas cannot be avoided, pumps shall be kept on hand to continually remove water during periods of rainfall.
- 5.1-8 Where necessary during periods of rainfall, the Contractor shall install checkdams, desilting basins, rip-rap, sand bags or other devices or methods necessary to control erosion and provide safe conditions, in accordance with site conditions and regulatory agency requirements.
- 5.1-9 Following periods of rainfall and at the request of the Geotechnical Consultant, the Contractor shall make excavations in order to evaluate the extent of rain-related subgrade damage.

5.1-10 Positive measures shall be taken to properly finish grade improvements so that drainage waters from the lot and adjacent areas are directed off the lot and away from foundations, slabs and adjacent property.

5.1-11 For earth areas adjacent to the structures, a minimum drainage gradient of 2 percent is required.

5.1-12 Drainage patterns approved at the time of fine grading shall be maintained throughout the life of the proposed structures.

5.1-13 Landscaping shall be kept to a minimum and, where used, limited to plants and vegetation requiring little watering as recommended by a registered landscape architect.

5.1-14 Roof drains shall be directed off the site.

Wastewater Disposal: No mitigation measures are proposed or are required.

Soil Gas:

5.1-15 If deemed necessary by the County Building and Safety, as defined in Los Angeles County Building Code Section 110.4, buildings or structures adjacent to or within 200 feet (60.96 meters) of active, abandoned or idle oil or gas well(s) shall be provided with methane gas-protection systems.

General Mitigation Measure:

5.1-16 The project shall incorporate any additional design recommendations as defined in the URS geotechnical investigation, dated May 8, 2001, and the update letter to this report, dated June 2, 2005.

(2) Hydrology and Water Quality

Potential Effect

Development of the Project has the potential to change runoff patterns and increase flows. In addition, the Project could result in potentially significant impacts with respect to erosion, sedimentation and water quality impacts (pollution from non-point sources) during demolition, construction and operation.

Finding

With implementation of the conditions of approval and design features incorporated into the Project, potential flooding, erosion, sedimentation or water quality impacts from the proposed Project will be reduced to a less than significant level by minimizing pollutants and sedimentation from entering the storm drain system. The Applicant would implement accepted material storage procedures, spill prevention and other Best Management Practices (BMP) such as street and storm drain management. Additionally, the project will comply with Section 402(p) of the Federal Clean Water Act (CWA) regulatory standards for construction storm water discharging under the National Pollutant Discharge Elimination System (NPDES). Therefore, the following finding is made:

- (a) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

Facts

Hydrology and water quality impacts are discussed on pages 5.3-1 to 5.3- 12 of the DEIR. The Project site is presently developed and generates surface runoff that is discharged into an existing stormwater drainage collection and conveyance system in the Dell Avenue alley and Via Marina due to the incorporation of eight bio-swales in the proposed Project. A decrease in surface water runoff during a 25-year storm is anticipated as a result of Project implementation. During a 25-year storm event in the existing condition, the site generates approximately 13 cubic feet per second (cfs) of site runoff. Post-project runoff would total approximately 11 cfs. Future on-site storm drainage improvements would be designed to accommodate post-development flows during a 25-year storm event. No significant flood impact is expected.

If dewatering is required during construction, the water will be disposed of in accordance with an NPDES permit or other applicable regulations, so no significant impacts will result from dewatering.

The Project applicant will be required to obtain an NPDES permit and prepare an SWPPP that would indemnify BMPs to reduce water quality impacts during construction and demolition to less than significant levels.

During operation, the bio-swales will capture and treat surface runoff before it enters the storm drain system, and implementation of BMPs will further reduce post-construction water quality impacts. Implementation of accepted materials storage procedures, spill prevention and other “good housekeeping” practices will also minimize pollutants and sedimentation entering into the adjacent storm drain system. The Project will not result in significant water quality impacts during operation.

(3) Visual Quality

Potential Effect

The Project will result in increased height and massing that could be viewed as being out of character with existing uses proximal to the Project site to the south and west. The Project also has the potential to block views, cast shadows on adjacent properties, and add introduce light and glare.

Finding

Changes or alteration have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR (Finding a) by designing a project that does not affect water views of the Marina or other natural features. With implementation of the conditions of approval and design features incorporated into the Project, potential visual quality impacts from the proposed Project will be reduced to a less than significant level.

Facts

Visual quality impacts are discussed on pages 5.5-1 to 5.5-20 of the DEIR. The Project site is located in a highly urbanized area and is currently developed with a two-story apartment project. The Project is consistent with height, massing and density standards defined in the Marina del Rey Local Coastal Program (“certified LCP”) for the subject Parcels 100 and 101. As defined in the Marina del Rey Land Use Plan (a component of the certified LCP), replacement of Phase 1 marina development is to be more physically intensive, in terms of building height and massing and development density, and the Project is anticipated to be similar to future projects proposed and ultimately to be developed in Marina del Rey. A high-rise structure is presently developed due north of the Project site (Kingswood Village) and structures of the height being proposed in the subject Project are permitted for development due east of the Project site, across Via Marina. In addition, the Project has been reviewed and approved by the Design Control Board, which required design changes to minimize potential aesthetic impact. Furthermore, perimeter landscaping is proposed that would reduce the exposure of the building facades, eliminate off-site views of upper portions of the parking structure and incrementally reduce the light and glare effects of the Project. For these reasons, impacts to the visual resource environment will be less than significant.

Shadows from the Project would, at the Summer Solstice, shade residential structures situated to the west would be shaded in the morning from sunrise to approximately 7:40 a.m. Therefore, the Project would cast shadows on the residential structures situated to the west for an additional 90 minutes in the a.m. period at the Summer Solstice. This time duration would decrease before and after the Summer Solstice. The threshold standard defined by the County can be considered qualitative. As the residential land uses situated west of the project site are located in the City of Los Angeles, it would be appropriate to use the more quantitative City thresholds. Even

under these more quantitative standards, shade impacts associated with the Project are not considered significant.

Given that the Project is similar in type to the existing and under construction apartments and incorporates no unusual design elements that would foster glare or nighttime light, the Project will not result in any significant light or glare impacts.

(4) Traffic/Access

Potential Effect

Project traffic has the potential to add to congestion on local streets, arterial streets and intersections and regional transportation facilities. The Project could result in spill over parking impacts on surrounding streets if insufficient onsite parking is provided.

Finding

With implementation of the measures identified in this section, conditions of approval and design features incorporated into the Project, the potential impacts on traffic identified in the FEIR will be reduced to a less than significant level. These measures, as recommended in the adopted Marina del Rey Specific Plan Transportation Improvement Plan (TIP), include specific detailed transportation and circulation improvements designed to fully mitigate the traffic generation of the Phase II development in the Marina. Therefore, the following finding is made:

- (a) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

Facts

Traffic/access impacts are discussed on pages 5.6-1 to 5.6-47 of the DEIR. Upon completion, the Project will generate approximately 1,354 net new daily trips, with

approximately 120 net new trips coming occurring during the AM peak hour and 111 net new trips coming during the PM peak hour. For Project traffic only, at the 18 intersections evaluated, the project would significantly impact one intersection (Lincoln Boulevard/Washington Boulevard). This impact would be fully mitigated through the implementation of area traffic improvement measures recommended in the adopted Marina del Rey Specific Plan TIP. The TIP includes specific detailed transportation and circulation improvements designed to fully mitigate the traffic generation of the Phase II development in Marina del Rey. It should be noted that short-term impacts may occur should the Project become operational prior to implementation of the planned traffic improvements proposed at this intersection.

Based on the existing and forecast traffic patterns in the project vicinity, the Project will add only nominal amounts of traffic to Via Dolce west of the Project site, due to the availability of signalized project access at Panay Way/Admiralty Loop and Via Marina, and the accessibility of all Project driveways from that key location. The Project will add total net traffic of approximately 95 daily trips to Via Dolce, including 10 trips in the AM peak hour, and 7 trips in the PM peak hour. The Project will add only 215 daily trips, including 14 trips in the AM peak hour, and 20 trips in the PM peak hour to Dell Avenue. These amounts of new traffic on Via Dolce and Dell are well below the level of traffic that would create quantifiable effects on either roadway.

The Project would not add 50 or more trips to any CMP intersection. The Project's maximum peak hour generation (120 trips) is less than the CMP threshold of 150 peak hour trips. Therefore, the Project would not result in a significant impact to the regional transportation system.

The LCP establishes a PM peak hour vehicle trip cap for Marina Del Rey Second Generation development (of which the Project is a part) of 2,750 vehicle trips. The Project and all other currently pending development projects subject to the LCP would only generate 681 PM peak hour trips, or less than 25% of the maximum amount

allowed. The LCP identifies a series of mitigation measures to address the impacts of traffic generated by new development. Among other things, the Project and the other projects will be assessed a trip fee of \$5,690 per PM peak hour trip. This money will be used to build the infrastructure necessary to accommodate additional traffic flows.

A total of 1,088 resident and visitor parking spaces will be provided for the 544 residential units. An additional nine surface parking spaces will be provided for public use at the Project's Admiralty Loop frontage. As this amount of parking is in excess of County requirements, the Project will not result in a significant parking impact.

The above finding is made in that the following mitigation measures will be made conditions of Project approval so as to mitigate the identified impacts:

5.6-1 The project Applicant shall pay the traffic mitigation fee imposed by the County of Los Angeles Department of Public Works (DPW), pursuant to the Marina del Rey Specific Plan TIP. This fee is intended to fund the Category 1 (local Marina) and Category 3 (regional) roadway improvements described in the TIP, by providing "fair share" contributions toward the improvements, based on the amount of PM peak hour trips generated by each new Marina del Rey development project. These improvements address local traffic generated in and confined to the Marina, as well as trips that leave the Marina (regional trips). The County's traffic mitigation fee structure is currently \$5,690 per PM peak-hour trip. Based on the expected Project trip generation of 111 net-new PM peak-hour trips, the Project shall be required to pay \$631,590.00. Of this amount, \$176,712 shall go toward Category 1 transportation improvements and the remaining \$454,878.00 shall go toward Category 3 transportation improvements.

The DPW prefers to implement the Marina del Rey roadway improvements funded by the trip mitigation fees as a single major project in order to minimize traffic disruptions and construction time. Therefore, the Applicant's payment of the above-

described fee is recommended mitigation over the partial construction by the Applicant of portions of the significant TIP roadway improvements. However, should the County decide that some roadway improvement measures are necessary immediately, the following mitigation measure is recommended to reduce the significant project traffic impact identified in the traffic study prepared for this Project to less than significant levels:

5.6-2 Lincoln Boulevard & Mindanao Way – Widen Lincoln Boulevard, and relocate and narrow the exiting median island to provide a northbound right-turn only or through lane at Mindanao Way. This measure is identical to the improvement described in Appendix G (TIP) of the Marina del Rey Local Implementation Program.

(5) Solid Waste

Potential Effect

Implementation of the proposed Project would generate a net increase of solid waste, which will increase demand on limited landfill capacity.

Finding

Implementation of the measures identified in this section, conditions of approval and design features incorporated into the Project will reduce the Project's potential impacts with respect to solid waste a less than significant level. Therefore, the following finding is made:

- (a) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

Facts

Solid waste impacts are discussed on pages 5.7-1 to 5.7-19 of the DEIR. Demolition of the existing uses would generate approximately 88,000 cubic yards (cy) of solid waste, and construction debris would add an additional 4,576 cy of solid waste. The Project will comply with existing County laws require recycling and reuse of construction and demolition debris. This will reduce construction and demolition debris by 50 percent. The one-time disposal of this debris could be accommodated by existing landfills. Therefore, the Project will not result in a significant solid waste impact during construction.

During operation, the Project would generate a net increase of solid waste generation of approximately 2,193 pounds/day over existing on site uses. This quantity represents a worst case scenario, with no recycling. However, the Project would include adequate areas for collecting and loading recyclable materials in accordance with the County's model ordinance. This will reduce operation solid waste by approximately 50 percent. County landfills have sufficient capacity to accommodate the Project's solid waste; therefore, the Project will not result in any operational solid waste impacts.

The above finding is made in that the following mitigation measures will be made conditions of Project approval so as to mitigate the identified impacts:

- 5.7-1 Consistent with Title 20, Chapter 20.87 of the Los Angeles County Code, the project proponent shall provide a Recycling and Reuse Plan to recycle, at a minimum, 50 percent of the construction and demolition debris. Documentation of this recycling program will be provided to the DPW, prior to the issuance of the Demolition and Grading permits.
- 5.7-2 To reduce the volume of solid and hazardous waste generated by the operation of the project, a solid waste management plan shall be developed by The Shores

project applicant. This plan shall be reviewed and approved by the DPW. The plan shall identify methods to promote recycling and reuse of materials, as well as safe disposal consistent with the policies and programs contained within the County of Los Angeles SRRE. Methods could include locating recycling bins in proximity to dumpsters used by future on-site residents.

- 5.7-3 The Shores project applicant shall arrange with a hazardous materials hauling company for materials collection and transport to an appropriate disposal or treatment facility located outside of Los Angeles County.

(6) Water Service

Potential Effect

The Project will increase water demand over existing on-site uses, which could be considered a significant impact if sufficient additional water is not available to service the increase in demand caused by the Project.

Finding

Changes or alteration have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR (Finding a) by constructing waterline improvements subject to the satisfaction of the DPW. The implementation of water efficient landscaping and water conservation measures would reduce the potential impacts on water resources identified to a less than significant level. Therefore, the following finding is made:

- (a) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment

Facts

Water service impacts are discussed on pages 5.8-1 to 5.8-10 of the DEIR. Water is provided to the Project site by the DPW (Water Works District No. 29), which receives water from the Metropolitan Water District.

The Project would consume approximately 95,150 gallons of water per day (gpd). This represents a net increase of approximately 57,057 gpd over existing water use on the Project site. However, entitlements for water have been secured and are adequate to serve existing uses and projected growth in Marina del Rey, including the Project. Moreover, no significant impacts to the existing water distribution system would occur with implementation of County-approved improvements. The above finding is made in that the following mitigation measures will be made conditions of Project approval so as to mitigate the identified impacts:

- 5.8-1 Prior to the issuance of occupancy permits, The Shores project applicant shall improve, to the satisfaction of the DPW, water lines in Marquesas Way and Dell Avenue.
- 5.8-2 The Shores project shall prepare a landscape plan that meets all provisions of Title 26 of the Los Angeles County Code, Chapter 71, Water Efficient Landscaping.
- 5.8-3 The Shores project shall incorporate into the building plans water conservation measures as outlined in the following:
 - State of California Health and Safety Code Section 17921.3 requiring low-flow toilets and urinals;
 - Title 24, California Administrative Code which establishes efficiency standards for shower heads, lavatory faucets and sink faucets, as well as requirements for pipe insulation which can reduce water used before hot water reaches equipment or fixtures; and
 - Government Code Section 7800, which requires that lavatories in public facilities be equipped with self-closing faucets that limit the flow of hot water.

(7) Sewer/Wastewater Service

Potential Effect

The Project will increase wastewater generation over existing on-site uses, which could be considered a significant impact unless sufficient capacity exists both in the local sewer line network (conveyance system) and at HTP (receptor site).

Findings

Implementation of the measures identified in this section, conditions of approval and design features incorporated into the Project will reduce the potential sewer service impacts identified in the FEIR to a less than significant level. Therefore, the following finding is made:

- (a) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

Facts

Sewer service impacts are discussed on pages 5.9-1 to 5.9-11 of the DEIR. Operation of the Project would generate a net increase of approximately 95,150 gallons per day (gpd) of wastewater. This represents a net increase of approximately 57,057 gpd when compared to existing uses. Wastewater in Marina del Rey is collected and conveyed by a sewer system owned and operated by the DPW. Treatment of domestic sewage and wastewater is provided at the City of Los Angeles Hyperion Treatment Plant ("HTP"). The HTP currently has adequate capacity to treat sewage generated by the Project. In addition, the existing County 12-inch sewer main and City of Los Angeles downstream facilities have sufficient capacity to serve the Project. Further, the Applicant shall pay the required sewer connection and capacity fees that are utilized by DPW to fund expansion of facilities. The above finding is made in that the following

mitigation measures will be made conditions of Project approval so as to mitigate the identified impacts:

- 5.9-1 Prior to issuance of building permits, the Applicant shall demonstrate sufficient sewage capacity for the proposed Project by providing a “will serve” letter from the DPW Waterworks and Sewer Maintenance Division.
- 5.9-2 Prior to issuance of building permits for the Project, the Applicant shall pay a one-time Sewer Facilities Charge to the City of Los Angeles, as required, to account for the increase in sewage generation.

Cumulative Impacts

(1) Cumulative Geotechnical and Soil Resources

Potential Effect

A number of development projects are pending or approved in the vicinity of the Project site. These related projects (pages 4.0-9 to 4.0-10 of the DEIR), in conjunction with the Project, may potentially result in cumulative geotechnical and soil resource impacts.

Finding

The Project and the related projects will not cause any cumulative geotechnical and soils resource impacts through compliance with current building and seismic safety codes and other applicable laws and regulations. Therefore, the following finding is made:

- (a) The record of proceedings does not expressly identify, or contain substantial evidence identifying, potentially significant environmental effects of the Project with respect to this impact area.

Facts

Cumulative geotechnical and soil resource impacts are discussed on page 5.1-12 of the DEIR. Geotechnical impacts are generally site specific rather than cumulative in nature. Each development site is subject to, at a minimum, uniform development and construction standards relative to seismic and other geologic conditions that are prevalent within the region. Development of projects that are pending or approved in the vicinity of the Project site would have to be consistent with Los Angeles County or other applicable governmental requirements as they pertain to protection against known geologic hazards.

(2) Cumulative Noise

Potential Effect

Significant cumulative noise impacts could occur as a result of construction activity taking place within Marina del Rey, as well as increased vehicle traffic generated by cumulative development, once the related projects are constructed and operational.

Finding

The Project and related projects will comply with local noise ordinances. Cumulative traffic noise will not exceed applicable thresholds of significance. The cumulative impacts of the Project and related projects with respect to noise are not significant. Therefore, the following finding is made:

- (a) The record of proceedings does not expressly identify, or contain substantial evidence identifying, potentially significant environmental effects of the Project with respect to this impact area.

Facts

Cumulative noise impacts are discussed on pages 5.2-24 to 5.2-25 of the DEIR. All construction activities would be subject to the requirements of the “County of Los Angeles Construction Equipment Noise Standards” and the Noise Control Ordinance of the County of Los Angeles (LACC 12.08.440) or similar ordinances in other jurisdictions. Compliance with the County’s Noise Ordinance, along with incorporation of mitigation recommended as part of each project’s environmental review, would adequately mitigate cumulative construction-related noise impacts.

Under the adopted threshold of significance, significant cumulative noise impacts will occur if cumulative traffic increases noise levels at noise-sensitive land uses 5 dB(A) or more, if noise levels remain within the normally acceptable range, or 3 dB(A) if noise levels change from normally acceptable to conditionally acceptable. In this case, cumulative noise increases from traffic along the identified road segments adjacent to sensitive land uses would be less than 3 dB(A) at all locations, except for Marquesas Way, east of Via Marina. However, the noise level would remain within the normally acceptable range even with the increase. Therefore, cumulative operational noise impacts will be less than significant.

(3) Cumulative Hydrology and Water Quality

Potential Effect

A number of development projects are pending or approved in the vicinity of the Project. These projects, in conjunction with the Project, could have a significant cumulative impact on hydrology and drainage.

Finding

The Project and related Projects would meet the local jurisdiction and Regional Water Quality Control Board water quality requirements. The cumulative impacts of

the Project and related projects with respect to hydrology and water quality are not significant. Therefore, the following finding is made:

- (a) The record of proceedings does not expressly identify, or contain substantial evidence identifying, potentially significant environmental effects of the Project with respect to this impact area.

Facts

Cumulative hydrology and water quality impacts are discussed on pages 5.3-11 to 5.3-12 of the DEIR. All cumulative projects within the tributary watershed are required to meet the same general flood control and water quality requirements as the Project. The requirements will be identified by the local jurisdiction and the Regional Water Quality Control Board and will include prohibitions on significant increases in post-development stormwater flows and stormwater velocities into the small craft harbor. Since the Project would not represent a significant change in hydrological or drainage conditions, its contribution to cumulative impacts is negligible. Other projects can be expected to be similarly conditioned such that no significant cumulative impacts will occur.

(4) Cumulative Air Quality

Potential Effect

Significant cumulative air quality impacts could occur as a result of construction activity taking place within Marina del Rey, as well as increased vehicle traffic generated by cumulative development, once these projects are constructed and operational.

Finding

The Project is consistent with the South Coast Air Quality Management District and the Air Quality Management Plan (AQMP) forecast in the area. Therefore, no

potentially significant cumulative air quality impacts would occur. Therefore, the following finding is made:

- (a) The record of proceedings does not expressly identify, or contain substantial evidence identifying, potentially significant environmental effects of the Project with respect to this impact area.

Facts

Cumulative air quality impacts are discussed on pages 5.4-26 to 5.4-31 of the DEIR. Cumulative CO emissions from the Project and related projects would not cause the applicable 1-hour or 8-hour standards to be exceeded at area intersections. The ratio of Project ADT to Countywide ADT is less than the ratio of Project population to Countywide population. Moreover, as the Project is within the growth forecasts in Southern California Association of Government's Regional Comprehensive Plan and Guide, it would be consistent with the AQMP and would therefore not jeopardize attainment of state and federal ambient air quality standards in the South Coast Air Basin.

The wind study by RWDI attached as an appendix to the DEIR (Appendix 5.4(C)) expressly considered potential cumulative impacts from the Project and expected future development in the area. The analysis shows that the Project and related projects will not affect existing wind conditions in Marina Del Rey.

(5) Cumulative Visual Quality

Potential Effect

As Phase II Marina del Rey development becomes more prominent, the existing visual character of the Marina del Rey community will be altered. Larger and taller structures will become more commonplace in the Marina, which will increase development intensity. The potential exists that, when all Phase II development is

viewed cumulatively, impacts to visual quality within the Marina del Rey community could be considered significant, given the intensification of development that will occur.

Finding

The Project has received conceptual approval from the Design Control Board (DCB) and will be constructed to not exceed the height requirements and is designed to meet the massing and height requirements. Related projects are expected to also conform to height requirements and to be reviewed and approved by the DCB. The Project and the related project will not result in any cumulative visual resource impacts. Therefore, the following finding is made:

- (a) The record of proceedings does not expressly identify, or contain substantial evidence identifying, potentially significant environmental effects of the Project with respect to this impact area.

Facts

Cumulative visual quality impacts are discussed on pages 5.5-19 to 5.5-20 of the DEIR. Only those related projects in the immediate Project vicinity (map nos. 10-22 on Figure 4.0-3 of the DEIR) could potentially result in cumulative visual quality impacts. The rest of the related projects are located sufficiently distant from the Project site so as not to result in changes to the visual environment within which the Project is located. Those related projects within the immediate Project vicinity will be required to comply with the certified LCP's height, density, view corridor and other requirements intended to reduce visual quality impacts and will be subject to design review by the DCB to further reduce such impacts. No cumulative visual quality impacts will result.

Development of the Project and the related projects would introduce new or expanded sources of artificial light. As the Project area is highly urbanized, the additional light sources represented by these projects are not of a sufficient magnitude to alter the existing artificial light environment that currently exists in the area. As a result, cumulative light impacts are concluded to be less than significant.

No cumulative shade/shadow impacts would occur, relative to sensitive uses, since no related projects are located adjacent to the Project site or in close enough proximity to result in cumulative shadows.

(6) Cumulative Water Service

Potential Effect

Development of the Project, in conjunction with other approved and pending projects within Marina del Rey, would increase development intensity and water demand, resulting in a potentially significant cumulative impact to water services.

Finding

Feasible mitigation measures such as constructing waterline improvements; implementation of water efficient landscaping and water conservation measures to address the impact of the Project and the related projects would reduce cumulative those impacts to a less than significant level. Therefore, the following finding is made:

- (a) The record of proceedings does not expressly identify, or contain substantial evidence identifying, potentially significant environmental effects of the Project with respect to this impact area.

Facts

Cumulative water services impacts are discussed on pages 5.8-9 to 5.8-10 of the DEIR. Water Works District No. 29 is presently planning and implementing capital improvements that are designed to meet the future water demand and maintain necessary flows. The entire system upgrade is anticipated to be completed by 2010. Prior to the issuance of grading permits, the applicant for each future project within Marina del Rey shall provide to the Los Angeles County Department of Regional Planning a letter from Water Works District No. 29 stating that the District is able to provide water service to the project under consideration. Grading permits shall not be issued until such time that the District indicates that the distribution system and water

supply are adequate to serve the project under review. Alternatively, the applicant of each future project under consideration Marina del Rey may construct that phased improvement identified in the Water Works District No. 29 Backbone Water Distribution Master Plan that provides sufficient water supply and fire flows to accommodate the project under consideration. With these measures, cumulative impacts with respect to water service would be less than significant.

(7) Cumulative Sewer/Wastewater Disposal

Potential Effect

Development of the Project, in conjunction with other approved and pending projects within Marina del Rey, would increase the amount of effluent requiring collection and treatment, resulting in a potentially significant cumulative impact to sewer services.

Finding

As with the Project, each related project is required to ensure that adequate capacity in the local and trunk sewer lines and receiving wastewater treatment plant exists to accommodate the effluent generated by that use. Additionally, each project is required to pay a connection fee used to fund expenses needed to accommodate growth. As such, cumulative impacts to sewage collection, treatment and disposal would be less than significant. Therefore, the following finding is made:

- (a) The record of proceedings does not expressly identify, or contain substantial evidence identifying, potentially significant environmental effects of the Project with respect to this impact.

Facts

Cumulative sewer service impacts are discussed on page 5.9-10 of the DEIR. Treatment capacity at the Hyperion Treatment Plant is available to serve the

wastewater that is estimated to be generated by cumulative projects within Marina del Rey. In addition, each future project is required to provide adequate capacity to convey sewage to a safe point of discharge and pay fees to connect to the sewage system. In this manner, the existing sewage collection and conveyance system would be upgraded to accommodate sewage created by the development of future projects and would avoid a significant cumulative impact.

Section C.12 of the Marina del Rey Land Use Plan (the "LUP") addressed potential impacts on sewer capacity resulting from full buildout under the LUP. The LUP contains policies and actions to assure that there is proof of availability of adequate sewer facilities. The County consulted with the City of Los Angeles as part of the LUP process, and as a result the City has taken future development under the LUP in account in planning for sewer capacity infrastructure improvements. These improvements include, among other things, the upgrading of the force main from the City's Venice Pumping Station to accommodate additional flows from future development in the Marina.

As set forth in correspondence dated May 30, 2006 from the DPW (which correspondence was attached to the June 1, 2006 Staff Report to the Commission), the DPW recently completed a comprehensive sewer area study that analyzed the cumulative sewage flows from all current and planned development in the Marina. The study, which is on file with the DPW, identified approximately 1.25 miles of sewer pipe upgrades at a cost of \$2.5 million. The upgrades will be phased in over a four-year period. Funding will come from the Marina Replacement ACO fund. The study shows that the section of sewer pipe into which the Project would discharge sewage has sufficient capacity to accommodate the Project and the related projects that would tie into this section of pipe.

SECTION 2
SIGNIFICANT UNAVOIDABLE ENVIRONMENTAL EFFECTS WHICH
CANNOT BE MITIGATED TO A LESS THAN SIGNIFICANT LEVEL

The County has determined that, although FEIR mitigation measures, design features included as part of the Project, and conditions of approval imposed on the Project will reduce the following effects, these effects cannot be feasibly or effectively mitigated to less than significant levels. Consequently, in accordance with Section 15093 of the State CEQA Guidelines, a Statement of Overriding Considerations has been prepared (see Section 6).

(1) Noise

Potential Construction Related Effects

Implementation of the Project would generate construction-related noise and vibration.

Potential Operation Related Effects

The primary source of noise during Project operation would be associated with vehicular traffic.

Finding

The construction-related noise impacts identified in the FEIR cannot be mitigated to a less than significant level. However, conditions of approval such as restrictions on grading and construction hours and construction equipment would reduce, to the extent feasible, the adverse environmental impacts of construction-related noise. Operation-related noise impacts would be less than significant. Therefore, the following finding is made:

- (c) Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the environmental impact report.

Facts

Noise impacts are discussed on pages 5.2-1 to 5.2-26 of the DEIR. Construction-related noise would affect residential uses proximal to the site and noise sensitive uses along the haul route. Noise levels generated from the Project during construction stages would occur periodically throughout the workday and would comply with County of Los Angeles Plans and Policies for noise control (County Code Title 12, Chapter 8). In addition, Project construction-related noise would be limited to normal working hours when many residents in Marina del Rey are away from their homes. Nevertheless, construction-related noise would still periodically exceed County standards for exterior noise levels. Project construction activities, especially pile driving, would result in significant and unavoidable vibration impacts.

Noise level increases generated by Project generated traffic at off-site locations would be in amounts hardly perceptible to the human ear.

The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Project (see Section 6) and in that the following measures will partially mitigate the identified impacts:

5.2-1 All construction equipment, fixed or mobile, that is utilized on the site for more than two working days shall be in proper operating condition and fitted with standard factory silencing features. To ensure that mobile and stationary equipment is properly maintained and meets all federal, state and local standards, the applicant shall maintain an equipment log. The log shall document the condition of equipment relative to factory specifications and identify the measures taken to ensure that all construction equipment is in proper tune and fitted with an adequate muffling device. The log shall be submitted to the DPW for review and approval on a quarterly basis. In areas where construction equipment (such as generators and air compressors) is left stationary and operating for more than one day within 100 feet of residential land uses, temporary portable noise structures shall be built. These barriers shall be located between the piece of equipment and sensitive land uses that preclude all sight-lines from the equipment to the residential land use(s). As the project is constructed, the use of building structures as noise barriers would be sufficient.

The County Building Official or a designee should spot check to ensure compliance.

- 5.2-2 Construction activities shall be restricted to between the hours of 8:00 AM and 5:00 PM in order to minimize construction and haul route activities that would create noise disturbance on surrounding residential and commercial real property line.
- 5.2-3 Occupants/tenants of the surrounding sensitive land uses shall be informed of the anticipated duration of the project, noise impact and any other pertinent information where people can register complaints or questions regarding project activities.
- 5.2-4 The project applicant shall post a notice at the construction site and along the proposed truck haul route. The notice shall contain contact information, the type of project, anticipated duration of construction activity and a hotline phone number to register complaints.
- 5.2-5 Grading work shall be kept between the hours of 8:00 AM and 5:00 PM Monday through Friday. Noise generated by the project shall remain within standards dictated by the Los Angeles County Code, Title 12, Environmental Protection, Section 12.08.440. However, the noise level shall not exceed a cumulative 15 minute noise level of 85 dB(A) (L25) during any hour that construction activities are in operation. These standards shall apply for any period of time during construction that compliance is technically and economically feasible.
- 5.2-6 All construction equipment, fixed and mobile, shall be in proper operating condition and fitted with standard silencing devices. Proper engineering noise controls should be implemented when necessary on fixed equipment. It is recommended that a monitoring program be implemented by the applicant in conjunction with the County of Los Angeles Sheriff's Department to monitor mobile sources as necessary, contingent upon the Sheriff's Department acceptance of a monitoring agreement.
- 5.2-7 Vibration associated with the operation of any device capable of exceeding the vibration perception threshold (motion velocity) of 0.01 in/sec over the range of 1 to 100 hertz) at or beyond the property boundary on private property, or at 150 feet from the source if on a public space or public right of way is prohibited.

- 5.2-8 The project applicant shall consult with an engineer regarding available technology for the noise attenuation of the Pile Driver equipment. Past operation of this device has resulted in levels above 105 dB(A) 75 feet away from the equipment. Reports shall be provided to the County of Los Angeles Department of Health Services, Public Health Division, prior to grading.

(2) Air Quality

Potential Construction-Related Effects

Implementation of the Project would generate construction-related pollutant emissions. Construction-related emissions would take the form of fugitive dust generated by grading activity and air pollutants generated by on-site stationary sources, heavy equipment, construction vehicle use and energy use.

Potential Operation-Related Effects

Project-related traffic will generate pollutant emissions. Area source emissions would be generated by the consumption of natural gas for space and water heating and cooking, the operation of gasoline-powered maintenance equipment and use of consumer products such as hair sprays, lighters and household cleaners. The Project has the potential to alter wind patterns in the Marina but to a less than significant level (see pages 5.4-23 to 5.4-24 of the DEIR).

Finding

The construction-related air quality impacts identified in the FEIR cannot be mitigated to a less than significant level. However, conditions of approval and design features such as development and implementation of a construction management plan incorporated into the Project would reduce, to the extent feasible, the adverse environmental effects. Operation-related impacts on air quality and wind impacts would be less than significant. The mitigation measures set forth at page 5.4-29 of the DEIR are rejected as infeasible for the reasons set forth on that page. Therefore, the following finding is made:

- (c) Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the environmental impact report.

Facts

Construction emissions would exceed Southern California Air Quality Management District ("SCAQMD") regional significance thresholds with respect to VOCs and NO_x. In addition, the Project would cause localized significant impacts with respect to PM₁₀.

Operation of the Project would not exceed the threshold of significance of any of the five air emissions evaluated using the SCAQMD's methodology and would not result in significant carbon monoxide hotspot impacts at affected intersections in the Project study area.

The RWDI wind study concludes that the Project will not affect wind patterns in the Marina (see Appendix 5.4(C) of the DEIR). Given that the existing residential uses west of the project occur to windward, the Project would not have a measurable effect on air circulation for those residential structures given prevailing wind patterns. During those conditions when wind occurs from the east, residential structures located west of the project site would expect some variation in wind speed and direction. However, during an east wind, air circulation west of the project would be similar to that presently experienced.

The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Project (see Section 6). The following mitigation measures will partially mitigate the identified impacts:

- 5.4-1 Develop and implement a construction management plan, as approved by the County, which includes the following measures recommended by the SCAQMD, or equivalently effective measures approved by the SCAQMD:
- a. Configure construction parking to minimize traffic interference.
 - b. Provide temporary traffic controls during all phases of construction activities to maintain traffic flow (e.g., flag person).

- c. Schedule construction activities that affect traffic flow on the arterial system to off-peak hours to the degree practicable.
- d. Re-route construction trucks away from congested streets.
- e. Consolidate truck deliveries when possible.
- f. Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.
- g. Maintain equipment and vehicle engines in good condition and in proper tune as per manufacturers' specifications and per SCAQMD rules, to minimize exhaust emissions.
- h. Suspend use of all construction equipment operations during second stage smog alerts. Contact the SCAQMD at 800/242-4022 for daily forecasts.
- i. Use electricity from power poles rather than temporary diesel- or gasoline-powered generators.
- j. Use methanol- or natural gas-powered mobile equipment and pile drivers instead of diesel if readily available at competitive prices.
- k. Use propane- or butane-powered on-site mobile equipment instead of gasoline if readily available at competitive prices.

5.4-2 Develop and implement a dust control plan, as approved by the County, which includes the following measures recommended by the SCAQMD, or equivalently effective measures approved by the SCAQMD:

- a. Apply approved non-toxic chemical soil stabilizers according to manufacturer's specification to all inactive construction areas (previously graded areas inactive for four days or more).
- b. Replace ground cover in disturbed areas as quickly as possible.
- c. Enclose, cover, water twice daily, or apply approved soil binders to exposed piles (i.e., gravel, sand, and dirt) according to manufacturers' specifications.

- d. Water active grading sites at least twice daily.
- e. Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 mph.
- f. Provide temporary wind fencing consisting of three- to five-foot barriers with 50 percent or less porosity along the perimeter of sites that have been cleared or are being graded.
- g. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (i.e., minimum vertical distance between top of the load and the top of the trailer), in accordance with Section 23114 of the California Vehicle Code.
- h. Sweep streets at the end of the day if visible soil material is carried over to adjacent roads (recommend water sweepers using reclaimed water if readily available).
- i. Install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off trucks and any equipment leaving the site each trip.
- j. Apply water three times daily or chemical soil stabilizers according to manufacturers' specifications to all unpaved parking or staging areas or unpaved road surfaces.
- k. Enforce traffic speed limits of 15 mph or less on all unpaved roads.
- l. Pave construction roads when the specific roadway path would be utilized for 120 days or more.

5.4-3 In the event asbestos is identified within existing on-site structures, the Project Applicant/developer shall comply with SCAQMD Rule 1403 (Asbestos Emissions From Demolition/Renovation Activities). Compliance with Rule 1403 is considered to mitigate asbestos-related impacts to less than significant.

(3) Cumulative Traffic/Access

Potential

Traffic generated by the Project and the related projects have the potential to add congestion to area streets and regional transportation facilities.

Finding

As to intersections which are wholly outside of the County's jurisdiction, or those intersections which the County may retain shared jurisdiction with the City of Los Angeles or Caltrans, mitigation measures are infeasible as these other jurisdictions have no reasonable, enforceable plans or programs sufficiently tied to the actual mitigation of the traffic impacts at issue. Therefore, in an abundance of caution, the FEIR finds that, although the applicant will mitigate the Project's contribution wherever possible, cumulative impacts will remain significant at some intersections outside of the County's exclusive jurisdiction and the Project's contribution to these impacts will be cumulatively considerable. Therefore, the following finding is made:

- (c) Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the environmental impact report.

Facts

Cumulative traffic impacts are discussed on pages 5.6-36 to 5.6-46 of the DEIR. Project plus cumulative traffic would significantly impact ten intersections. Five of the ten intersections are under the jurisdiction of the County. To implement mitigation measures at these five County intersections, the DPW has established a transportation improvement fund. The Project would be required to pay \$631,590 in trip mitigation fees, \$176,712 of which will go toward Category 1 transportation improvements, and \$454,878. of which will go toward Category 3 transportation improvements. The Project will also contribute (beyond the required LCP funds) its fair share amount to a new

traffic signal at the modified Washington Boulevard/Palawan Way intersection. Implementation of these planned improvements would fully mitigate impacts to intersections occurring in the County of Los Angeles. It should be noted that short-term impacts may occur should the project become operational prior to implementation of the planned traffic improvements proposed at this intersection.

Significant cumulative traffic impacts would occur at five intersections that are located wholly outside or that have shared jurisdiction with the City of Los Angeles or Caltrans. For these intersections, physical improvements are infeasible as there are no reasonable, enforceable plans or programs sufficiently tied to the actual mitigation of the traffic impacts at issue. As set forth on page 5.6-45 of the DEIR, if the County, the City of Los Angeles and Caltrans agree on a funding mechanism to implement the recommended traffic improvements prior to building occupancy, the applicant, where appropriate, will pay its fair share of required transportation improvements. However, because of the uncertainty of implementation of mitigation for intersections outside the control of the County, cumulative impacts are considered to remain significant at the impacted intersections outside the County and the Project's contribution to these impacts cumulatively considerable.

The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Project (see Section 6). The following measure will reduce the identified impacts:

The Applicant shall pay the traffic mitigation fee imposed by the DPW, pursuant to the Marina del Rey Specific Plan TIP. This fee is intended to fund the Category 1 (local Marina) and Category 3 (regional) roadway improvements described in the TIP, by providing "fair share" contributions toward the improvements, based on the amount of PM peak hour trips generated by each new Marina del Rey development project. These improvements address local traffic generated in and confined to the Marina, as well as trips that leave the Marina (regional trips). The County's traffic mitigation fee

structure is currently \$5,690 per PM peak-hour trip. Based on the expected Project trip generation of 111 net-new PM peak-hour trips, the Project shall be required to pay \$631,590. Of this amount, \$176,712 will go toward Category 1 transportation improvements and the remaining \$454,878 will go toward Category 3 transportation improvements.

The DPW prefers to implement the Marina del Rey roadway improvements funded by the trip mitigation fees as a single major project in order to minimize traffic disruptions and construction time. Therefore, the Applicant's payment of the above-described fee is recommended mitigation over the partial construction by the Applicant of portions of the significant TIP roadway improvements. However, should the County decide that some roadway improvement measures are necessary immediately, the following measure is recommended to reduce the significant project traffic impact identified in the traffic study prepared for this Project to less than significant levels:

Lincoln Boulevard & Mindanao Way – Widen Lincoln Boulevard, and relocate and narrow the exiting median island to provide a northbound right-turn only or through lane at Mindanao Way. This measure is identical to the improvement described in Appendix G (TIP) of the Marina del Rey Local Implementation Program.

Pro-rata contribution to signal installation and intersection improvements at Washington Boulevard & Palawan Way – The Applicant shall make a pro-rata financial contribution, in an amount to be determined by the DPW, to fund intersection improvements and the installation of a traffic signal at the Washington Boulevard/Palawan Way intersection.

(4) Cumulative Solid Waste

Potential Effects

Implementation of the proposed Project, together with the related projects, would generate a net increase of solid waste, which will increase demand on limited landfill capacity.

Finding

The cumulative solid waste impacts identified in the FEIR cannot be mitigated to a less than significant level and the Project's contribution to these impacts will be cumulatively considerable. However, conditions of approval such as a solid waste management plan incorporated into the Project would reduce, to the extent feasible, the adverse environmental effects. Therefore, the following finding is made:

- (c) Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the environmental impact report.

Facts

Cumulative solid waste impacts are discussed on pages 5.7-17 to 5.7.19 of the DEIR. The Project and the related projects would generate a net increase of solid waste generation of approximately 33,553 pounds/day. These quantities represent a worst case with no recycling. Recycling could reduce cumulative solid waste generation by 50 percent. However, because an adequate supply of landfill space has not been approved beyond 2017, and existing hazardous waste facilities are inadequate, cumulative solid waste impacts are considered significant and the Project's contribution to these impacts are cumulatively considerable.

The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Project (see Section 6).

SECTION 3

GROWTH INDUCING IMPACTS OF THE PROJECT

Potential Effect

Development of the Project has the potential to induce growth by fostering economic or population growth or construction of additional housing either directly or indirectly.

Finding

The proposed Project does not meet a growth-inducing criterion specified under State CEQA Guidelines (Section 15126.2(d)), and, therefore, the proposed Project is not considered to be growth inducing.

Facts

Growth inducing impacts are discussed on pages 9.0-1 to 9.0-3 of the DEIR. The following facts support the above finding:

(1) Removal of an Impediment to Growth

Growth in an area may result from the removal of physical impediments or restrictions to growth. A network of electricity, water, sewer, stormwater, communication, roads and other supporting infrastructure for the Project is already in place. The Project would connect to existing infrastructure, with some off-site improvements necessary to meet Project demands. Off-site improvements include traffic capacity enhancing improvements at area intersection and new water lines to accommodate necessary water flows. These improvements would serve the Project, but would also allow for more intensive development on other Marina del Rey parcels that could utilize these infrastructure components. However, these improvements and the associated increase in development intensity are consistent with already adopted and approved policies of the Marina del Rey Land Use Plan that promote recycling of Phase

I Marina del Rey development with more intensive uses. In addition, no new service lines (e.g., storm drain, electricity, telephone, roadways, etc.) other than those required to serve the proposed uses are to be constructed. Therefore, the Project would not induce growth through introduction or expansion of infrastructure.

(2) Urbanization of Land in Remote Locations

The Project is a redevelopment of improved property and is situated in an existing developed urban community. As a result, the proposed Project will not “leapfrog” over any undeveloped area or introduce development into a previously undeveloped area.

(3) Economic Growth

Project development would increase population, housing and employment opportunities within Marina del Rey. Short-term construction employment opportunities, however, are likely to be filled by the existing Los Angeles metropolitan labor market. Moreover, increases in population, housing and employment generated by the Project at completion would not result in increases above that anticipated by SCAG or planned for in the Marina del Rey Specific Plan. On those bases, the Project is not considered growth inducing. Rather, it can be considered growth accommodating.

(4) Precedent Setting Action

The Project requires a number of discretionary actions on the part of the Los Angeles County Department of Regional Planning, and the Regional Planning Commission. Approval of this Project does not necessarily mean that other development approvals in the area will follow. Independent determinations must be made for each project. Moreover, existing regulatory frameworks are not being interpreted in a precedent setting fashion. Thus, the Project is not growth inducing under this criterion.

SECTION 4

FINDINGS REGARDING ALTERNATIVES

Alternatives to the proposed Project described in the Draft EIR were analyzed and considered. The alternatives discussed in the FEIR constitute a reasonable range of alternatives necessary to permit a reasoned choice. The FEIR concluded that the “No Project” Alternative was the environmentally superior alternative. However, as specified in the *State CEQA Guidelines* (Section 15126.6(e)(2)) if the No Project Alternative is the environmentally superior alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. Of the alternatives considered, Alternative 3, the “Rehabilitation of Existing Structures Alternative,” was considered the environmentally superior alternative. However, these alternatives and the other alternatives analyzed in the DEIR and FEIR are rejected as infeasible for the specific economic, legal, social, technological or other considerations set forth below.

Alternative 1 - The "No Project" Alternative

Description of Alternative

Under this alternative, the Project site would remain in its present condition with improvements as they exist.

Comparison of Effects

None of the potential Project-related impacts identified in the FEIR would occur under the “No Project” alternative. The selection of the “No Project” alternative, however, is not consistent with policies defined in the Marina del Rey Specific Plan. The Specific Plan is directed towards guiding and encouraging recycling, intensification, or conversion of Phase I development consistent with policies that place high priority on development of boating and visitor-serving facilities. The purpose behind

encouraging the change and expansion of selected land uses within Marina del Rey includes implementation of the policies of the California Coastal Act, encouragement of controlled change over the next thirty years rather than face the prospect of major simultaneous change when the bulk of the leases expire after the year 2020, correcting existing problems and replacing physically obsolete structures. The objectives are designed to build upon the success of existing uses in Marina del Rey via the creation of opportunities for selective reconstruction at higher intensities and enhancing visitor-serving uses, public access and coastal views.

Finding

The “No Project” alternative is rejected as infeasible because it fails to meet any of the objectives identified in the DEIR, would not provide any of the Project benefits as set forth herein, and is not consistent with the policies defined in the Marina del Rey Land Use Plan (“LUP”).

Facts

The “No Project” Alternative would not provide increased coastal residential opportunities with designs that emphasize coastal views, would not provide coastal residential opportunities for moderate-income and very low-income households, would not increase coastal access and viewing opportunities, would not enable the County to obtain higher ground rents, and, contrary to objectives of the LUP, would not provide development to replace the aging first phase of development from the 1960’s in Marina del Rey with new development which better serves the current demand for housing. The LUP guides and encourages the recycling and intensification of Phase 1 development.

Alternative 2 – Provision of Affordable Housing

Description of Alternative

The Provision of Affordable Housing Alternative would involve the construction of 780 units, including 156 affordable units, pursuant to the density bonus provisions of applicable County and state law. This number of units would require four levels of subterranean parking (three more than the Project), and an overall height of 115 feet (40 more than the Project).

Comparison of Effects

Like the Project, this alternative would result in significant unavoidable effects with respect to construction air quality, construction noise and vibration, cumulative traffic and cumulative solid waste. Use related impacts (i.e., traffic, water, sewage, solid waste, and utilities) associated with this alternative would be greater than the proposed Project due to the greater number of dwelling units but not still less than significant. Unlike the Project, this alternative would result in a significant unmitigatable impact with respect to visual resources.

Finding

The Provision of Affordable Housing Alternative would result in greater environmental impacts than the Project and is therefore rejected on environmental grounds.

Facts

Under this alternative, building height would be substantially greater than the Project. As a result, the buildings would be more visible and would not be in character with surrounding uses to the west, south and east. In addition, the additional levels of subterranean parking as compared to the Project would require more excavation and hauling, which would generate more construction noise and emissions than the Project. Use related impacts (i.e., traffic, water, sewage, solid waste, and utilities) associated with this alternative would also be greater than the Project.

Alternative 3 – Rehabilitation of Existing Structures

Description of Alternative

This alternative would involve rehabilitation of the existing structures onsite and the addition of one more floor. There are currently 202 apartment units on site. The additional floor would yield approximately 101 additional units for a total of 303 units. Demolition of the structures and site grading would not occur under this alternative. The intent of this alternative is to reduce the Project's unavoidable significant impacts with respect to construction noise and air quality.

Comparison of Effects

Because it would result in fewer dwelling units, this alternative would result in an approximately 42 percent reduction in traffic generation, and a commensurate reduction in operational air quality and noise impact. It would also result in less solid waste and sewage generation and water consumption than the Project. It would also have reduced impacts regarding construction noise and air quality. Due to its reduced scale as compared to the Project, this alternative would also incrementally reduce impacts on the visual resources environment. Unlike the Project, this alternative would result in a significant adverse parking impact.

Finding

The Rehabilitation of Existing Structures Alternative is rejected as infeasible because it would not meet the project objectives as fully as the Project, would result in fewer public benefits than the Project, and is technically infeasible. It is also rejected on environmental grounds.

Facts

The Rehabilitation of Existing Structures Alternative would not provide as many coastal residential opportunities, including opportunities for low-income citizens, and would not increase coastal viewing to the same extent as the Project. With fewer units,

this alternative would not support as high of rents as the Project, thereby resulting in less revenues to the County. Further, the Project architect determined that building foundations and the existing framing would not support a third story. Also, the Project site does not contain sufficient land area to provide for the number of parking spaces that would be required by County Codes under this alternative, resulting in a significant unmitigatable impact.

Alternative 4 – Above-Ground Parking

Description of Alternative

This alternative would involve construction of an above-ground, six deck parking structure containing 1,114 parking spaces on the southern portion of the Project site and a 12-story above ground residential tower with 544 apartment units on the northern portion of the site. The parking structure height would be approximately 62 feet above finished grade, and the residential tower height would be approximately 120 feet above finished grade. No below-grade parking is proposed as part of this alternative. Due to the increased height and mass of the structures compared to the Project, the overall construction period would be 28 months instead of 25 months.

Comparison of Effects

The Above-Ground Parking Alternative would be similar in scale to the Project and would result in similar impacts with respect to traffic, operational air quality and noise, hydrology, solid waste and water and sewer service. Further, given a similar building footprint, it is expected that impacts associated with the hydrology and water quality environments would be similar. This alternative would not include subterranean parking and would therefore require less excavation than the Project. However, the resulting decrease in construction noise and air quality impacts would be substantially offset by the additional emissions resulting from the longer overall

duration of construction. Unlike the Project, this alternative would have a significant impact with respect to visual quality.

Finding

The Above-Ground Parking Alternative would result in greater environmental impacts than the Project and is therefore rejected on environmental grounds.

Facts

Under this alternative, building height would be substantially greater than the Project. As a result, the buildings would be more visible and would not be in character with surrounding uses to the west, south and east. In addition, this alternative would result in greater shade and shadow impacts. As such, it would result in a significant impact with respect to visual resources. Other impacts of this alternative would be comparable to the Project.

Alternative 5- Additional Alternative Considered in the FEIR

Description of Alternative

Comments to the DEIR suggested that the Project site be developed with a new project but at a lower density than the proposed Project. While the DEIR already included a reduced density alternative (Alternative 3), this alternative involved rehabilitating and adding onto the existing structures. Therefore, in response to public comments the FEIR considered a variation of Alternative 3 involving new construction instead of rehabilitation. This additional alternative would be similar to the Project but with fewer units (350 vs. 554) than the Project and a lower height (three stories vs. five).

Comparison of Effects

The Additional Alternative Addressed in the FEIR would generate less traffic and less mobile noise and mobile emissions than the Project. At a lower height, the alternative would have fewer potential visual quality impacts. This alternative would also result in incrementally less demand on sewers, water supply and solid waste

disposal facilities. Geotechnical and soil resource, hydrology, construction noise and air quality impacts would be comparable to the Project.

Finding

The Additional Alternative Addressed in the FEIR is rejected as infeasible because it would not meet the project objectives as fully as the Project, would result in fewer public benefits than the Project, and would not reduce any of the Project's significant impacts to less than significant levels.

Facts

This additional alternative would not provide as many coastal residential opportunities, including opportunities for low-income citizens, and would not increase coastal viewing to the same extent as the Project. With fewer units, this alternative would support lower ground rents than the Project, thereby generating less revenue to the County. While this alternative would result in approximately 36 percent fewer trips than the Project, this trip reduction would not be sufficient to reduce cumulative traffic impacts to less than significant levels. Further, this alternative would require demolition of the existing structures and excavation for subterranean parking. Therefore, this alternative would also result in significant construction noise and air quality impacts. While the alternative would generate less solid waste than the Project, this alternative's contribution to the cumulative solid waste impact caused by a lack of identified landfill capacity beyond 2017 would be cumulatively considerable.

SECTION 5

FINDINGS REGARDING MITIGATION MONITORING PROGRAM

Section 21081.6 of the Public Resources Code requires that when a public agency is making the findings required by State CEQA Guidelines Section 15091(a)(1), codified as Section 21081(a) of the Public Resources Code, the public agency shall adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval, in order to mitigate or avoid significant effects on the environment.

The County hereby finds that the Mitigation Monitoring Program, which is attached as Exhibit A to these Findings and incorporated in the Project's Coastal Development Permit, meets the requirements of Section 21081.6 of the Public Resources Code by providing for the implementation and monitoring of Project conditions intended to mitigate potential environmental effects.

SECTION 6

STATEMENT OF OVERRIDING CONSIDERATIONS

The FEIR identified and discussed significant effects that will occur as a result of the Project. With the implementation of the mitigation measures discussed in the FEIR, these effects can be mitigated to levels of insignificance except for unavoidable significant Project impacts on noise, air quality and unavoidable significant cumulative impacts on traffic and solid waste disposal, as identified in Section 2 of these findings.

Having reduced the significant adverse environmental effects of the proposed Project by approving the Project and adopting the conditions of approval and the mitigation measures identified in the FEIR, and having balanced the benefits of the Project against the Project's potential unavoidable significant adverse impacts, the Commission hereby determines that the benefits of the Project outweigh the potential unavoidable significant adverse impacts, and that the unavoidable significant adverse impacts are nonetheless acceptable, based on the following overriding considerations:

- (1) The Project will increase coastal housing opportunities that meet projected needs in Marina del Rey by replacing existing, dated development with contemporary multi-family dwelling units with designs that emphasize coastal views, as called for in the Marina del Rey Specific Plan.
- (2) The Project will assist in the attainment of basic County goals for the provision of affordable housing by creating coastal housing for moderate-income and very low-income families.

- (3) The Project will decrease service and delivery congestion on public streets by providing on-site loading/off-loading areas and providing for or making other improvements to the area circulation system.
- (4) During the construction of the Project, construction related employment would be created. Permanent employment will also be created by the residential management uses.
- (5) The Project will result in increased revenues in the form of additional ground rents for the County as the underlying landowner of the property and lessor of the property to the Applicant.

SECTION 7

SECTION 15091 AND 15092 FINDINGS

Based on the foregoing findings and the information contained in the record, the Commission has made one or more of the following findings with respect to each of the significant adverse effects of the Project:

- a. Changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid many of the significant environmental effects identified in the FEIR.
- b. Some changes or alterations are within the responsibility and jurisdiction of another public agency and such changes have been adopted by such other agency, or can and should be adopted by such other agency.
- c. Specific economic, legal, social, technological or other considerations make infeasible the mitigation measures or alternatives identified in the FEIR.

Based on the foregoing findings and the information contained in the record, and as conditioned by the foregoing:

- a. All significant effects on the environment due to the Project have been eliminated or substantially lessened where feasible.
- b. Any remaining significant effects on the environment found to be unavoidable are acceptable due to the overriding considerations set forth in the foregoing Statement of Overriding Considerations.

SECTION 8

SECTION 21082.1(c)(3) FINDINGS

Pursuant to Public Resource Code § 21082.1(c)(3), the Commission hereby finds that the FEIR reflects the independent judgment of the lead agency.

SECTION 9

CUSTODIAN OF RECORDS

The custodian of the documents or other material which constitute the record of proceedings upon which the Regional Planning Commission's decision is based is the County of Los Angeles Department of Regional Planning located at 320 West Temple Street, Los Angeles, California 90012.

SECTION 10

DE MINIMUS IMPACT ON FISH AND WILDLIFE

The EIR evaluated the Project's potential for adverse environmental impacts. When considering the record as a whole, there is no evidence before the Regional Planning Commission that the Project will have a potential for an adverse effect on wildlife resources or the habitat upon which wildlife depends. Based on the record of proceedings, the presumption of adverse effect set forth in 14 California Code of Regulations, Section 753.5(d), does not apply in this case. Therefore, the Regional Planning Commission finds that the Project would be de minimis in its impact on fish and wildlife.

SECTION 11
RELATIONSHIP OF FINDINGS TO EIR

These findings are based on the most current information available. Accordingly, to the extent there are any apparent conflicts or inconsistencies between the DEIR and the FEIR, on the one hand, and these findings, on the other, these findings shall control, and the DEIR, FEIR, or both, as the case may be, are hereby amended as set forth in these findings.